

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EAGLE HARBOR HOLDINGS, LLC,
and MEDIUSTECH, LLC,

Plaintiffs,

V.

FORD MOTOR COMPANY,

Defendant.

CASE NO. C11-5503 BHS

ORDER GRANTING
PLAINTIFFS' MOTION TO
COMPEL

This matter comes before the Court on the parties' joint discovery motion (Dkt.

187).

On November 26, 2013, the parties filed the joint motion detailing a discovery dispute regarding Plaintiffs' Eagle Harbor Holdings, LLC, and Mediustech, LLC's ("Plaintiffs") request that Defendant Ford Motor Company ("Ford") collect, search, and produce two categories of electronic discovery. *Id.* On December 3, 2013, Ford filed a surreply (Dkt. 191), which the Court accepted for consideration (Dkt. 197).

First, Ford concedes what the parties label as the willfulness category of outstanding discovery. *Id.* at 18. Therefore, the Court denies this portion of the motion as moot.

1 With regard to the remaining dispute, Ford objects to collecting fourteen
2 custodians' email, searching the collection for willfulness terms, general terms, and prior
3 art terms, and producing the relevant non-privileged material. Dkt. 187-1 at 2–3. The
4 main thrust of Ford's argument is based on model orders that have not been entered in
5 this case. Although the model orders are helpful to control discovery, the Court declines
6 to enforce provisions that were not previously ordered.

7 In passing, Ford asserts that it asked Plaintiffs to bear the cost of the disputed
8 discovery. *Id.* at 19. Ford has failed to show, at this time, that the burden of this
9 production is unduly burdensome or cost prohibitive. If, however, the production
10 becomes unduly burdensome or excessively expensive, the Court may consider a request
11 to enforce some form of cost sharing.

12 Therefore, the Court **GRANTS** Plaintiffs' motion to compel.

13 **IT IS SO ORDERED.**

14 Dated this 11th day of December, 2013.

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BENJAMIN H. SETTLE
United States District Judge